

## **Chapter 8 ANIMALS\***

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\***Cross reference(s)**--Environment, ch. 22; R-A agricultural residence districts, § 46-61 et seq.

**State law reference(s)**--Dogs and cats, M.S.A. § 347.01 et seq.; authority to regulate the keeping of animals, M.S.A. § 412.221, subd. 21.

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**Sec. 8-1. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Animal* means a domestic pet/dog/cat of any kind.

*At large* means the pet/dog/cat is off the property of the person owning, harboring or keeping the animal, and the pet/dog/cat is not under restraint.

*Cat* means all cats over three months of age.

*Dangerous animal* means an animal which has caused injury to a person or other animals and by its actions exhibits a propensity for imminent danger to persons or other animals.

*Dog* means all dogs over three months of age.

*License year* means the period from January 1 until the following December 31.

*Owner* means any person owning, keeping, harboring or acting as custodian of a pet/dog/cat.

*Pet* means any animal that is tamed or domesticated and for the intent and purpose of this chapter is capable of running at large.

*Under restraint* means that the pet/dog/cat is on the premises of the person harboring or keeping the animal; if it is at heel beside a person having custody of it or obedient to that person's command; if it is within a private motor vehicle of a person owning, harboring or keeping the animal; or if it is controlled by a leash not exceeding six feet in length.

(Code 1987, § 503.01)

**Cross reference(s)--Definitions generally, § 1-2.**

**Sec. 8-2. Licensing; procedure; fees.**

- (a) *License required.* No person shall keep any pet/dog/cat over three months of age within the city limits without securing an annual license from the administrative clerk-treasurer, who shall keep record of all licenses issued and shall issue a metal tag for each license.
- (b) *License fee; expiration.* The annual license fee shall be established by council resolution for each male pet/dog/cat or spayed female pet/dog/cat and for unspayed female pet/dog/cat. Every license shall be in effect during the license year and shall expire December 31.

- (c) *Affixing tag.* The owner shall permanently affix a tag to the collar of the pet/dog/cat so licensed in such a manner that the tag may be easily seen. The owner shall see that the tag is constantly worn by the pet/dog/cat. A duplicate shall be issued if the tag is lost.
- (d) *Rabies vaccination.* For each pet/dog/cat to be licensed, the owner shall provide proof (certification of a recent rabies vaccination) before a pet/dog/cat license shall be issued. In accordance with M.S.A. § 346.50, every pet/dog/cat must have a current rabies vaccination.
- (e) *Limitation on pets/dogs/cats.* No resident may license or keep more than three pets/dogs/cats over the age of three months within the city limits.

(Code 1987, § 503.02)

**Sec. 8-3. Animals running at large.**

No pet/dog/cat shall be permitted to run at large within the city limits. This restriction does not prohibit the appearance of any pet/dog/cat upon streets or public property as long as the pet/dog/cat is under restraint by the person charged with its care.

(Code 1987, § 503.03)

**Sec. 8-4. Pet/dog/cat nuisances.**

- (a) No person shall keep or harbor a pet/dog/cat which is a public nuisance. Any pet/dog/cat is a public nuisance that has done any of the following:
  - (1) A pet/dog/cat which habitually barks, yelps, howls, cries or whimpers so as to unreasonably disturb the peace and quiet of any person in the vicinity. The phrase "unreasonably disturb the peace and quiet" shall include but is not limited to the creation of any noise by a pet/dog/cat which can be heard by any person, including law enforcement officers, from the premises of any neighboring property, or in any case more than 100 feet from the building or premises where the pet/dog/cat is being kept and such noise occurs repeatedly over at least a five-minute period of time within one minute or less lapse of time between each pet/dog/cat noise during the five-minute period.
  - (2) Has destroyed or damaged any lawn, garden, shrubbery, foliage or property or habitually trespasses in a damaging manner on property of persons other than its owner. The owner shall be responsible for the actions of his pet/dog/cat and shall be responsible for the cleanup of any defecation on any public or private property, city street, sidewalk or park.

- (3) Has attacked or bitten a person outside of its owner's premises or has shown dangerous animal tendencies.
  - (4) Frequents school grounds, parks or public property as to molest or annoy pedestrians or persons walking, riding or driving on public streets and highways.
- (b) Failure of the owner or custodian of a pet/dog/cat to prevent the pet/dog/cat from committing such a nuisance is a violation of this chapter and subjects the owner to tickets, fines and subsequent prosecution.

(Code 1987, § 503.04)

**Sec. 8-5. Confinement of certain animals.**

Every female pet/dog/cat in heat shall be confined in a building or other secure enclosure in such manner that it cannot come into contact with another pet/dog/cat except for planned breeding.

(Code 1987, § 503.05)

**Sec. 8-6. Quarantine of dangerous animals.**

Any pet/dog/cat which bites a person shall be quarantined for such time as may be directed by the police chief or responding officer. During quarantine, the animal shall be securely confined and kept from contact with any other animal. At the discretion of the police chief or responding officer, the quarantine may be on the premises of the owner; however, if the police chief or responding officer requires other confinement, the owner shall surrender the animal for the quarantine period to an animal shelter or shall, at his own expense, place it in a veterinary hospital.

(Code 1987, § 503.06)

**Sec. 8-7. Muzzling proclamation.**

Whenever the prevalence of rabies renders such action necessary to protect the public health and safety, the council shall issue a proclamation ordering every person owning or keeping a dog to muzzle it securely so that it cannot bite. No person shall violate such proclamation; and any unmuzzled dog unrestrained during the time fixed in the proclamation shall be subject to impoundment, and the owner of such dog shall be subject to the penalty provided in this chapter.

(Code 1987, § 503.07)

**Sec. 8-8. Proceedings for destruction of dangerous animals.**

Upon sworn complaint to the county court that any of the following facts exist:

- (1) That any pet/dog/cat at any time has destroyed property or habitually trespasses in a damaging manner on the property of persons other than the owner;
- (2) That any pet/dog/cat at any time has attacked or bitten a person outside the owner's or custodian's premises;
- (3) That any dog is vicious or shows vicious habits or molests pedestrians or interferes with vehicles on the street or creates a public nuisance;

the judge shall issue a summons directed to the owner of the pet/dog/cat commanding him to appear before the court to show cause why the pet/dog/cat should not be seized by any police officer, or otherwise disposed of in the manner authorized in this chapter. Such summons shall be returnable not less than two nor more than six days from its date and shall be served at least two days before the time of scheduled appearance. Upon such hearing, and finding the facts true as complained of, the court may either order the pet/dog/cat killed or order the owner or custodian to keep it confined to a designated place. If the owner or custodian violates such order, any police officer may impound the pet/dog/cat described in such order. The provisions of this section are in addition to and supplemental to other provisions of this chapter. Costs of the proceedings specified by this section shall be assessed against the owner or custodian of the pet/dog/cat if the facts in the complaint are found to be true, or to the complainant if the facts are found to be untrue.

(Code 1987, § 503.08)

### **Sec. 8-9. Impounding.**

- (a) *Police to impound.* Any pet/dog/cat found unlicensed or running at large contrary to the provisions of this chapter may be impounded by an appointed officer or any police officer, who shall give notice of the impounding to the owner of such dog if known. If the owner is unknown, the officer shall post notice at the city hall that if the pet/dog/cat is not claimed within seven calendar days and at least five business days of posting the notice, it will be disposed of.
- (b) *Redemption.* Any pet may be redeemed from impoundment by the owner within the time stated in the notice by the payment to the administrative clerk-treasurer of the license fee for the current year, if unpaid, together with any boarding costs or other costs incurred, plus any applicable fines.
- (c) *Disposition of unclaimed pets/dogs/cats.* Any pet/dog/cat which is not redeemed within the time specified in subsection (b) of this section may be sold for not less than the amount provided in that subsection to anyone desiring to purchase the

pet/dog/cat if it is not requested by a licensed educational or scientific institution under M.S.A. § 35.61. All sums received in excess to the fees fixed by subsection (b) of this section shall be paid to the owner if he makes a claim within one year of the sale and furnishes satisfactory proof of ownership. Any pet/dog/cat which is not claimed by the owner or sold shall be painlessly killed and buried by the appointed officer who is dispatched the duty.

(Code 1987, § 503.09)

**Sec. 8-10. Penalty.**

- (a) Any person keeping a pet/dog/cat without a license or allowing a pet/dog/cat under his control to run at large is guilty of a petty misdemeanor and upon conviction shall be punished in accordance with section 1-13.
- (b) Any person failing to prevent a pet/dog/cat from committing a public nuisance is in violation of this chapter and is guilty of a petty misdemeanor and upon conviction shall be punished in accordance with section 1-13.
- (c) Any person violating the provisions of this chapter after receiving written notice that such violation has occurred shall be in violation of this chapter and is guilty of a petty misdemeanor and upon conviction shall be punished in accordance with section 1-13.

(Code 1987, § 503.10)

**Sec. 8-11. Local fines and collection.**

- (a) *Schedule of fines.* The following schedule lists local fines to be levied for violations of this chapter:
  - (1) Pet/dog/cat picked up:
    - a. First pickup, \$25.00.
    - b. Second or more pickup within 12 months, \$50.00.
  - (2) Pet/dog/cat public nuisance:
    - a. First occurrence, \$25.00.
    - b. Second or more occurrence within 12 months, \$50.00.
  - (3) Pet/dog/cat failure to clean up defecation; each occurrence, \$25.00.
- (b) *Collection of fines.* Local fines under this chapter are to be collected in the following manner:

- (1) Direct payment by the pet/dog/cat owner at the time of occurrence. If this payment is not received, then:
- (2) Upon certification from the police department, it shall be added to the city utility bill. If still unpaid, then:
- (3) The police department shall keep a record of all unpaid fines under this chapter and shall once each year, on October 1, certify this list to the administrative clerk-treasurer, who shall in turn certify the amounts of any such unpaid fines to the county auditor as special assessments against the property where the pet/dog/cat is or was kept, for collection with real estate taxes.

(Code 1987, § 503.11)

**Sec. 8-12. Areas where keeping prohibited.**

No horse, cattle, sheep or goat shall be kept within the city's corporate limits.

(Code 1987, § 504.02)

**Sec. 8-13. Treatment.**

No person shall treat any animal in a cruel or inhumane manner.

(Code 1987, § 504.03)

**Sec. 8-14. Diseased animals.**

Any animal with a contagious disease shall be so confined that it cannot come within 50 feet of any public roadway or any place where animals belonging to or harbored by another person are kept.

(Code 1987, § 504.05)

**Sec. 8-15. Manner of keeping.**

No person shall keep any dog, cat or other animal in the city in an unsanitary place or condition or in a manner resulting in objectionable odors or in such a way as to constitute a nuisance or disturbance by reason of barking, howling, fighting or other noise, or in such a way as to permit the animal to annoy, injure or endanger any person or property.

(Code 1987, § 504.06)

**Sec. 8-16. Care of premises.**

- (a) *Clean shelters.* Every structure and yard in which animals or fowl are kept shall be maintained in a clean and sanitary condition and free of all rodents, vermin and objectionable odors. The interior walls, ceilings, floors, partitions and appurtenances of any such structure shall be whitewashed or painted as the police chief or other officer shall direct. Upon the complaint of any individual or otherwise, the police chief or other officer shall inspect such structure or yard and issue any such order as may be reasonably necessary to carry out the provisions of this chapter.
- (b) *Manure.* Manure shall be removed with sufficient frequency to avoid nuisance from odors or from the breeding of flies, at least once per month from October 1 to May 1 each year, and once every two weeks at other times. Unless used for fertilizer, manure shall be removed by hauling beyond the city limits. If used for fertilizer, manure shall be spread upon the ground evenly and turned under at once or as soon as the frost leaves the ground.

(Code 1987, § 504.07)